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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,188	08/02/2001	Makoto Ueda	JP920000046US1	5265

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EXAMINER

TANG, KENNETH

ART UNIT PAPER NUMBER

2195

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/682,188

Applicant(s)

UEDA, MAKOTO

Examiner

Kenneth Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is in response to the Remarks filed on 1/31/05. Applicant's arguments have been fully considered but were not found to be persuasive.
2. Claims 1-21 are presented for examination.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:

- a. In claim 1, "cache memories" in line 6 is indefinite because it is not made explicitly clear in the claim language whether there is a single cache memory for sharing as implied in "a cache memory" on line 2 or a plurality of cache memories. In other words, it is unclear in the claim language whether there is a cache for each processor or if there is one cache for the group of processors. If there is a cache for each processor, it is not made clear which cache of the processor stores the shared information.
- b. Claims 9, 15, and 21 are rejected for the same indefinite reasons as stated in the rejection of claim 1.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**4. Claim 1 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Pong (US 2002/0053004 A1).**

5. As to claim 1, Pong teaches in multiprocessing, which is performed by using a plurality of processor modules including a cache memory and a plurality of processors sharing the cache memory (shared memory, multiprocessor system) (*see Abstract*), a method of allocating a task to each processor comprising the steps of:

monitoring (track) access conditions (state information) of respective tasks to data shared among cache memories (requesting access to shared cache) in the processor modules (*page 1, [0003]-[0004], [0013]*); and

allocating tasks that make frequent accesses to the same shared data to processors in the same module (buffering most frequently accessed data blocks), on the basis of said access conditions (state information) (*page 6, claim 17, page 1, [0003]-[0004], [0013]*).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**6. Claims 9, 11, 12, 15, 17, 18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pong (US 2002/0053004 A1).**

7. As to claim 9, it is rejected for the same reasons as stated in the rejection of claim 1. In addition, Pong teaches a memory controller (130) which acts as a detector for detecting accesses by respective tasks to data shared among cache memories (116 and 118) in the processor modules (102 and 104) interconnected with a storage device (110) (*see Fig 1*). Pong fails to explicitly teach having identification information being associated with tasks. However, it is obvious to one of ordinary skill in the art that tasks have associated with it identification information because tasks cannot be executed without identifying which task to be executed.

8. As to claim 11, Pong teaches wherein said detector for detecting accesses comprises a first device for detecting ("snooping") and storing an update (write update) to the shared data stored in one of a plurality of cache memories (Fig. 1, 116 and 118), said update causing an invalidation (write invalidation) of the shared data stored in the other cache memories (*page 4, [0048]-[0049]*); and an access detector (memory controller) for detecting accesses to the invalidated data by respective tasks (*see Fig. 1, 130*).

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9. As to claim 12, Pong teaches wherein said detecting an access to the invalidated data comprises detecting an invalidation of data (*page 1, [0004], page 4, [0048]-[0049]*); storing an address of the invalidated data (*page 1, [0005], page 4, [0057]*); detecting a cache miss (*page 5, see claim 7*); comparing an address of the data that caused the cache miss with the stored address of the invalidated data (*page 1, [0005], page page 3, [0033]*).

10. As to claim 15, it is rejected for the same reasons as stated in the rejection of claim 9.

11. As to claim 17, it is rejected for the same reasons as stated in the rejection of claim 11.

12. As to claim 18, it is rejected for the same reasons as stated in the rejection of claim 12.

13. As to claim 21, it is rejected for the same reasons as stated in the rejection of claim 9.

14. **Claims 2-5, 10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pong (US 2002/0053004 A1) in view of Kaneko et al. (hereinafter Kaneko) (US 5,349,656).**

15. As to claim 2, Pong teaches wherein said step of monitoring access conditions comprises the substeps of:

detecting (“snooping”) an update (write update) to the shared data stored in a cache memory in one of the processor modules, said update causing an invalidation (write invalidation) of the shared data stored in the cache memories in the other processor modules (*page 1, [0004], page 4, [0048]-[0049]*); and

storing tasks that caused said invalidation, and an address of the updated data, and the number of invalidations of the same data by the same task (*page 1, [0005], page 4, [0057]*), and Pong teaches keeping track of the number of data accesses and to determine if they are frequent accesses but fails to explicitly teach allocating tasks where the tasks are classified into groups and allocating to the processor module by the group. However, Kaneko teaches classifying and grouping tasks into groups based on whether they share common data for allocation (*col. 9, lines 30-37*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kaneko’s teaching of allocating tasks where the tasks are classified into groups and allocating to the processor module by the group to the existing system of Pong because this increases efficiency by allocating tasks that are similarly grouped provides execution with the highest buffer storage effect (*col. 9, lines 30-37*). It is also obvious that tasks have associated with it identification information because tasks cannot be executed without identifying which task to be executed.

16. As to claim 3, it is rejected for the same reasons as stated in the rejection of claim 2. In addition, Pong teaches monitoring access conditions of respective tasks to the invalidated data, and said step of allocating tasks comprises (*page 1, [0003]-[0004], [0013]*).

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17. As to claim 4, Pong teaches wherein said substep of monitoring access conditions comprises detecting an access to the invalidated data (*page 1, [0004], page 4, [0048]-[0049]*); and storing an address of the invalidated data, identification information of a task that accessed the invalidated data, and the number of accesses to the same shared data by the same task (*page 1, [0005], page 4, [0057]*).

18. As to claim 5, Pong teaches wherein said detecting an access to the invalidated data comprises detecting an invalidation of data (*page 1, [0004], page 4, [0048]-[0049]*); storing an address of the invalidated data (*page 1, [0005], page 4, [0057]*); detecting a cache miss (*page 5, see claim 7*); comparing an address of the data that caused the cache miss with the stored address of the invalidated data (*page 1, [0005], page page 3, [0033]*).

19. As to claim 10, it is rejected for the same reasons as stated in the rejection of claim 2.

20. As to claim 16, it is rejected for the same reasons as stated in the rejection of claim 10.

21. **Claims 6-8, 14, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pong (US 2002/0053004 A1) in view of Kaneko et al. (hereinafter Kaneko) (US 5,349,656), and further in view of Barajas et al. (hereinafter Barajas) (US 5,598,551).**

22. As to claim 6, Pong and Kaneko fails to explicitly teach making a request for allocation of tasks to an operating system performing multiprocessing, when the total number of said stored invalidations or said accesses exceeds a predetermined value. However, Barajas teaches requesting and making an allocation invalidation operations when exceeding a predetermined value (two clock cycles) (*col. 12, lines 56-60*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the feature of making a request for allocation of tasks to an operating system performing multiprocessing, when the total number of said stored invalidations or said accesses exceeds a predetermined value to the existing shared memory multi-processing system with caches in order to minimize delays in processor access to cache memory (*col. 13, lines 40-45*).

23. As to claim 7, it is rejected for the same reasons as stated in the rejection of claim 6.

24. As to claim 8, it is rejected for the same reasons as stated in the rejection of claim 6.

25. As to claim 14, it is rejected for the same reasons as stated in the rejection of claim 6.

26. As to claim 19, it is rejected for the same reasons as stated in the rejection of claim 6.

27. As to claim 20, it is rejected for the same reasons as stated in the rejection of claim 6.

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**28. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pong (US 2002/0053004 A1) in view of Barajas et al. (hereinafter Barajas) (US 5,598,551).**

29. As to claim 13, Pong fails to explicitly teach making a request for allocation of tasks to an operating system performing multiprocessing, when the total number of said stored invalidations or said accesses exceeds a predetermined value. However, Barajas teaches requesting and making an allocation invalidation operations when exceeding a predetermined value (two clock cycles) (*col. 12, lines 56-60*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Baraja's teaching of making a request for allocation of tasks to an operating system performing multiprocessing, when the total number of said stored invalidations or said accesses exceeds a predetermined value to the existing shared memory multi-processing system with caches of Pong in order to minimize delays in processor access to cache memory (*col. 13, lines 40-45*).

### ***Response to Arguments***

30. Applicant does not traverse or even respond to the 35 USC 112 2<sup>nd</sup> paragraph rejections in the Office Action.

31. *Applicant argues that Pong does not disclose "monitoring access conditions of respective tasks", and therefore, cannot disclose "allocating tasks that make frequent accesses...on the basis of the access conditions on pages 2-4.*

In response, the Examiner respectfully disagrees. Pong teaches requests (a task) to a respective data block, where each block is associated with access conditions (state information) of valid or invalid (*page 1, [0013], for example*). Pong teaches tracking (monitoring) access conditions (state information) on page 1, [0004].

32. *Applicant argues on page 3 that “buffering frequently accessed blocks” is different than “allocating tasks that make frequent accesses.*

In response, the Examiner respectfully disagrees. Buffering is allocating to one or more buffers. Pong teaches requests (a task) to a respective data block, where each block is associated with access conditions (state information) of valid or invalid (*page 1, [0013], for example*).

33. *Applicant argues on page 3 the citation of claim language in a published patent application.*

In response, claims are part of the reference's disclosure and shows teachings.

34. *Applicant argues on page 3 that Pong does not disclose that the tasks are allocated on the basis of access conditions.*

In response, the Examiner respectfully disagrees. Pong teaches tasks are allocated based on the access request (access condition) (*page 1, [0005] and page 2, [0025], for example*). If this access request or access condition is met, then tasks are allocated.

35. *Applicant argues on page 4 that Pong does not teach “storing an address of the shared data” and “the number of accesses of the same shared data by the same task.”*

In response, the Examiner respectfully disagrees. Pong teaches storing an address of the shared data...and the number of accesses to the same shared data by the same task in the storage device 110. It is inherent that the address of the shared data is stored because the address is needed to access the shared data. The number of accesses in the cache is counted when the frequency of the access is determined (*for example, in [0003]*).

36. *Applicant argues on page 5 that it doesn't make sense that task identifications are stored after the task is executed because the tasks cannot be executed without identifying the tasks.*

In response, what the Examiner stated in the Office Action was that it is obvious that tasks have associated with it identification information because tasks cannot be executed without identifying which task to be executed. In other words, for a plurality of tasks, you need to know what task your executing if you want to execute it. How could you execute a task if you don't know what task to execute?

37. *Applicant argues that the Office Action doesn't address "an allocator for allocating tasks that make frequent accesses to the same shared data to processors in the same module, on the basis of the number of accesses".*

In response, the Examiner respectfully disagrees. The Applicant merely states that the recited portions of Pong do not teach this limitations but fails to provide any support for this argument. This argument is not found to be persuasive.

Pong teaches allocating tasks (done by the controller) that make frequent accesses to the same shared data to processors in the same module (buffering most frequently accessed data blocks), on the basis of said access conditions (state information along with access requests) (*page 6, claim 17, page 1, [0003]-[0005], [0013]*).

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

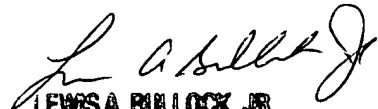
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kt  
4/6/05

  
LEWIS A. BULLOCK, JR.  
PRIMARY EXAMINER